

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL NETTIE, individually and on behalf all others similarly situated,)
Plaintiff,)
- v. -) Case No. 06-0236-CV-W-ODS
Judge Ortrie D. Smith
H&R BLOCK INC., ET AL)
Defendants.)

PHYLLIS J. WINTERS, on behalf of herself and all others similarly situated,)
Plaintiff,)
- v. -) Case No. 04:06-CV-00243-NKL
Judge Nannette Laughrey
H&R BLOCK INC., ET AL)
Defendants.)

PRISCILLA FISK,)
Plaintiff,)
- v. -)
MARK A. ERNST, ET AL)
Defendants,) Case No. 4:06-CV-00350-RED
Judge Richard E. Dorr
- and -)
H&R BLOCK INC.,)
Nominal Defendant.)

)

ROBERT LANG,)
Plaintiff,)
- v. -)
MARK A. ERNST, ET AL)
Defendants,) Case No. 4:06-CV-00351-SOW
- and -) Judge Scott O. Wright
H&R BLOCK INC.,)
Nominal Defendant.)

DORIS STAEBER)
Plaintiffs,)
- v. -)
MARK A ERNST, et al.)
Defendants,) Case No. 06-284-CV-W-GAF
- and -) Judge Gary A. Fenner
H&R BLOCK INC.,)
Nominal Defendant.)

)

STEPHEN T. HIBBARD)
Plaintiff,)
- v. -)
MARK A ERNST, et al.)
Defendants,) Case No. 5:06-CV-6059
Judge Howard F. Sachs
- and -)
H&R BLOCK INC.,)
Nominal Defendant.)

)

MOTION TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a), all Defendants and Nominal Defendant H&R Block, Inc. (collectively “Defendants”) hereby move to consolidate the following related cases: Case No. 06-0236-CV-W-ODS (“Nettie”), Case No. 04:06-CV-00243-NKL (“Winters”), Case No. 06-284-CV-W-GAF (“Staehr”), Case No. 4:06-CV-00351-SOW (“Lang”), Case No. 4:06-CV-00350-RED (“Fisk”), and Case No. 5:06-CV-6059 (“Hibbard”). In support of this Motion, Defendants state as follows:

1. All six cases assert claims that are premised on the same fundamental factual allegations.
2. Both the parties and the Courts will benefit from the elimination of duplicate briefing, repetitious discovery, recurring evidentiary and legal issues, and the reduced number of possible jury trials. Further, consolidation would curb the possibility of inconsistent rulings.
3. Consolidation of the six cases at issue will not result in any confusion, undue delay or unfair prejudice to any party.

4. Accordingly, given the benefits of judicial convenience likely to result from consolidation of these matters, consolidation under Fed. R. Civ. P. 42(a) is both proper and warranted.

5. The grounds in support of this Motion are more fully set out in the accompanying Suggestions in Support, and are incorporated herein by reference.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court grant this Motion to Consolidate, assign the consolidated cases to the Nettie Court, and for such other relief as deemed necessary under the circumstances.

Dated: May 26, 2006

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s/s W. Perry Brandt

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Certificate of Service

I hereby certify that on May 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the counsel of record.

s/s W. Perry Brandt

An Attorney for Defendants